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April 23, 2021

VIA ECF

The Honorable Jessica S. Allen
Magistrate Judge, U.S.D.C., D.N.J.
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Court Room 2B
Newark, NJ 07101

RE: Lara M. Sanders, on behalf of herself and all other similarly situated Consumers v. CACH, LLC and Resurgent Capital Services, L.P. U.S.D.C., D.N.J., Civil Action No: 2:19-cv-00996-SDW-JSA

Dear Judge Allen:

I represent Defendants CACH, LLC (“CACH”) and Resurgent Capital Services, L.P. (“RCS”) (collectively “Defendants”) in this matter. Defendants are submitting this Status Letter, in accordance with Your Honor’s Order dated April 15, 2021. (Doc. 101). Defendants have attempted to work with Plaintiff to submit a joint letter as this Court requested, but have been unsuccessful due to Plaintiff’s disagreement with the text that is underlined below, which text, Defendants believe accurately reflects the parties’ positions and the status of discovery. Accordingly, Defendants submit this letter individually.

On April 19, 2021, Plaintiff provided Defendants with supplemental responses to Defendants’ Interrogatory Nos. 2, 3, 9, and 10, and a notice of deposition pursuant to Rule 30(b)(6). Defendants will not be seeking any relief from this Court regarding these supplemental interrogatory responses. On April 22, 2021, the parties conferred via telephone to discuss scheduling of the parties’ depositions and the topics in the notice of deposition directed to Defendants in accordance with Rule 30(b)(6).

A. Defendants’ Deposition

There will be one witness who will testify as the corporate representative on behalf of both CACH and RCS. This witness is not available to be deposed by the current fact end discovery deadline of April 29, 2021 because she is already scheduled to be deposed in several other cases through the end of April. Plaintiff proposed that the witness be deposed on either May 4th or May 6th, however, Defendants’ witness and counsel are not available on either of those dates. Additional dates proposed in May by Defendants’ counsel did not work for Plaintiff’s counsel. However, Defendants’ witness and counsel for Plaintiff and Defendants have all confirmed availability for a deposition on May 24, 2021 and it is anticipated that the deposition will proceed on that date should

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this Court find good cause to extend the discovery deadline for that purpose. See Fed. R. Civ. P. 6(b)(1) (“When an act may or must be done within a specified time, the court may, for good cause, extend the time.”). To that end, Defendants have no objection to extending the discovery deadline to May 24, 2021 solely for purposes of allowing Plaintiff to take the deposition of Defendants’ witness. Plaintiff, however, requests that the discovery deadline be extended to June 7, 2021, allowing Plaintiff to take the deposition of Defendants’ witness.¹

B. Topics for Defendants’ Deposition

Defendants advised Plaintiff during the call on April 22, 2021 that a number of the topics listed on Plaintiff’s Notice of Defendants’ Deposition were overly broad in scope, disproportional to the needs of the case, and sought information wholly irrelevant to the individual and class claims at issue. Plaintiff disagrees with the assertions made by Defendants during the call; notwithstanding, Defendants and Plaintiff are attempting to narrow these topics to avoid the need for motion practice. Defendant will advise Your Honor promptly if Defendant intends to seek the entry of a protective order if the parties cannot agree on the scope of the deposition topics.²

C. Plaintiff’s Deposition

Defendants have informed Plaintiff that, at this time, Defendants only will seek to depose Plaintiff if Plaintiff decides to pursue the class action claims. Plaintiff advised this Court during the status conference on April 15, 2021 that Plaintiff will know whether she is pursuing the class action claims after Defendants’ deposition. The parties agree that after completing the deposition of Defendants witness, Plaintiff will inform Defendants whether Plaintiff will seek class certification, and thereafter, Defendants may depose Plaintiff if she seeks to pursue class certification. Defendants, therefore, respectfully request that Your Honor permit Defendants to depose Plaintiff (on a date that is mutually convenient for the parties) and extend the discovery deadline accordingly, should Plaintiff advise Defendants or this Court that she intends to pursue her class action claims.³

¹ In lieu of this text, Plaintiff requested that the letter state: “To that end, the parties respectfully request that the discovery deadline to [sic] be extended to June 7, 2021 allowing Plaintiff to take the deposition of Defendants’ witness.” Defendants do not, however, agree, nor do they see any need for, extending discovery *at this time* beyond the date of the scheduled deposition.

² In lieu of this text, Plaintiff requested that this section merely state: “In regards to the deposition the parties reserve their rights pursuant to FRCP and seek further relief if necessary.”

³ Although Plaintiff agrees that Defendants may depose Plaintiff if she seeks to pursue class certification as demonstrated by the non-underlined language that Plaintiff proposed and Defendants’ adopted; Plaintiff would not agree to the additional underlined text which Defendants believe is necessary to provide clarity as to why that agreement was reached and the extension that may be required.

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Respectfully,

/s/ Monica M. Littman
MONICA M. LITTMAN

cc: All Counsel of Record (via ECF)

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